

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

SHERRI L. DAVIS, <i>et. al.</i>)	
)	
Plaintiffs,)	Case No. 2:06-cv-00187-WKW-SRW
)	
)	
v.)	
)	
)	
)	
TMA FOREST PRODUCTS GROUP, <i>et al.</i>)	
)	
Defendants.)	
)	

**DEFENDANT LOUISIANA-PACIFIC CORPORATION'S
MOTION TO DISMISS COUNTS ONE, THREE, FIVE, SIX, SEVEN, EIGHT,
AND NINE, OR, IN THE ALTERNATIVE,
FOR MORE DEFINITE STATEMENT**

Pursuant to Fed. R. Civ. P. 12(b), 12(e), and 7(b), Defendant Louisiana-Pacific Corporation ("Louisiana-Pacific") moves this Court for an Order dismissing Counts One, Three, Six, Seven, Eight, and Nine because the statute of limitations period applicable to those claims has long expired. Each of these causes of action therefore fails to state a claim upon which relief may be granted.

Moreover, this Court should dismiss Counts Three, Five, Six, Seven, and Nine because each fails to state a claim for the specific reasons set forth in the accompanying Memorandum of Law.

Alternatively, Counts Three, Six, and Nine are so vague and ambiguous that Louisiana-Pacific cannot reasonably frame a response to Plaintiffs' allegations. Pursuant to Rule 12(e), this Court should order Plaintiffs to provide a more definite statement of those claims.

Likewise, this Court should require Plaintiffs to provide a more definite statement of the times, places, and circumstances of their alleged chemical exposures and the injuries that allegedly resulted. As currently pled, the allegations do not give Louisiana-Pacific fair notice of the basis for Plaintiffs' claims. Thus, Louisiana-Pacific cannot reasonably frame a pleading responsive to the Complaint.

Respectfully submitted this 22nd day of March, 2006.

/s/Dennis R. Bailey

Dennis R. Bailey
ASB No. 4845-I71D
R. Austin Huffaker
ASB No. 3422-F55R
Counsel for Defendant
Louisiana-Pacific Corporation

Of counsel:

RUSHTON, STAKELY, JOHNSON, & GARRETT, P.A.
184 Commerce Street
Post Office Box 270
Montgomery, AL 36101-0270
Tel: (334) 206-3234 (Bailey)
Tel: (334) 206-3126 (Huffaker)
Fax: (334) 481-0031 (Bailey)
Fax: (334) 481-0049 (Huffaker)
E-mail: drb@rsjg.com (Bailey)
E-mail: rah2@rsjg.com (Huffaker)

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of March, 2006, I filed the foregoing via the CM/ECF system which will send notice of said filing to the following:

W. Eason Mitchell

Gregory A. Cade

H. Thomas Wells, Jr.

John A. Earnhardt

/s/ Dennis R. Bailey

Of Counsel